

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek  
Departmental Paperwork Clearance Officer  
Office of the Chief Information Officer  
14th and Constitution Ave. NW.  
Room 6625  
Washington, DC 20230

12/16/2004

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 11/09/2004.

TITLE: Certification Requirements for NOAA's Hydrographic Product Quality Assurance Program

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0507

EXPIRATION DATE: 12/31/2007

BURDEN:	RESPONSES	HOURS	COSTS(\$ ,000)
Previous	0	0	0
New	15	60	0
Difference	15	60	0
Program Change		60	0
Adjustment		0	0

TERMS OF CLEARANCE:

This approval is associated the proposed rule under RIN 0648-AS50.

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OMB Authorizing Official	Title
Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs

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# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) ( <i>if applicable</i> )	
9. Keywords	
10. Abstract	
11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> ) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission)  Name: _____ Phone: _____

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

## SUPPORTING STATEMENT

### Certification Requirements for NOAA's Hydrographic Product Quality Assurance Program

#### A. JUSTIFICATION

##### 1. Explain the circumstances that make the collection of information necessary.

The National Oceanic and Atmospheric Administration (NOAA) provides nautical charts and other products for safe maritime navigation in the U.S. The Hydrographic Service Improvement Acts of 1998/2002 mandated that NOAA develop and implement a Quality Assurance Program that is equally available to all applicants, under which the Administrator may certify hydrographic products, produced by non-Federal entities, that satisfy standards promulgated by the Administrator.

The Administration proposes to fulfill this mandate by establishing procedures by which hydrographic products are proposed for certification; by which standards and compliance tests are developed, adopted, and applied for those products; and by which certification may be awarded or denied. These procedures would be the mandated Quality Assurance Program, and the implementation of the program would be the application of those procedures to specific hydrographic products.

All requirements for information to be submitted under this Quality Assurance Program are in the nature of:

- application for certification;
- application for use of the NOAA logo on products certified under the Program;
- comments submitted in response to NOAA's publication in the Federal Register of Program activities;
- requests for reconsideration of a NOAA action or decision under the Program; or
- appeals for setting aside a NOAA decision.

##### 2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The collection and dissemination of information is incidental to the operation of this Program, not its purpose. The Director, Office of Coast Survey, NOAA will use the information, or such other administrator of the Quality Assurance Program as shall be designated by NOAA, to administer the Program. The information will be used once as each hydrographic product advances through the Program. Written submission of collected information is specified.

A limited amount of the information will be distributed to the public, via the Federal Register or other appropriate means, to permit full participation of those affected by the implementation of the Program. For example, if a non-Federal entity submits a specific hydrographic product for certification, NOAA will publicly announce its intention to develop standards, compliance tests, and to offer certification for that product or category of products. In making this announcement NOAA will must make public the product or its category – information that may have been

submitted by the applicant.

The collection complies with all applicable Information Quality Guidelines for utility, objectivity, integrity, and transparency. In general, the Agency as an institution is not distributing or releasing information prepared by an outside party in a manner that reasonably suggests that the Agency agrees with the information under this Program.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

No such technology is being used.

**4. Describe efforts to identify duplication.**

Each application by a non-Federal entity is expected to be unique because of the nature of the Program. The information is an application by an individual company, and not a collection of information in the sense of a survey.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

Participation in the Quality Assurance Program is voluntary.

Only that minimum of information necessary for the administration of this Program is being requested. No on-going collection of information is planned.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

Law mandates NOAA to establish and implement this Quality Assurance Program. Denying the ability for companies to apply for this federal benefit would preclude its implementation.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

There are no circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those**

**comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A proposed rule establishing the Quality Assurance Program is in preparation. It will be published in the Federal Register seeking comments. Public comment on the information collection requirements is being requested at that time.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payment or gifts will be provided to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

No assurance of confidentiality is made. In the proposed regulations establishing the program NOAA is stating, "All parties acknowledge and accept that information submitted to NOAA under this Program shall be deemed to be in the public domain, and no representation is made as to the protection of confidential, proprietary or otherwise restricted information."

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

No such questions are being asked.

**12. Provide an estimate in hours of the burden of the collection of information.**

The average expected number of respondents for certification is 5 per year. This number was estimated from the number of non-Federal entities that have expressed interest in certification-like opportunities over the last 5 years, and the educated judgment of senior NOAA employees best suited to make such an estimate.

The total number of estimated hours for 5 participants is 60 hours per year: 4 hours to prepare the initial application, 4 hours for documentation to accompany an item submitted for certification, and 4 hours for an assumed 1 request for reconsideration of a NOAA decision. (5 participants \* (4 hours + 4 hours + 4 hours) = 60 hours.)

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).**

No additional costs to the respondents, beyond those described in #12 above, are expected for the collection or submission of information as a result of this Program.

**14. Provide estimates of annualized cost to the Federal government.**

Total annual estimated cost burden for NOAA collecting and processing the information submitted by respondents as described in #12 above: 30 hours annually valued at \$1,152. This estimate assume a mid-grade GS-13 (\$38.40 per hour for salary + benefits), taking 2 hours to process the information in each application, each item submission, and each request for reconsideration for an average of 5 applicants annually.  $(\$38.40 * (2 + 2 + 2) * 5 = \$1,152)$

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

This is a program change for new collection resulting from a new law.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

There are no plans to publish any of the results.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

No exception is sought.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

No exception is sought.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

The collection will not employ statistical methods.

**COPIES:**

Following is a copy of the statute referenced in Section A, Question 1:



TITLE 33. NAVIGATION AND NAVIGABLE WATERS  
CHAPTER 17. NATIONAL OCEAN SURVEY  
NOAA HYDROGRAPHIC SERVICES

33 USCS § 892b (2003)

§ 892b. Quality assurance program

(a) Definition. For purposes of this section, the term "hydrographic product" means any publicly or commercially available product produced by a non-Federal entity that includes or displays hydrographic data.

(b) Program.

(1) In general. The Administrator--

(A) by not later than 2 years after the date of enactment of the Hydrographic Services Improvement Act Amendments of 2002 [enacted Dec. 19, 2002], shall, subject to the availability of appropriations, develop and implement a quality assurance program that is equally available to all applicants, under which the Administrator may certify hydrographic products that satisfy the standards promulgated by the Administrator under section 303(a)(3) of this Act [33 USCS § 892a(a)(3)];

(B) may authorize the use of the emblem or any trademark of the Administration on a hydrographic product certified under subparagraph (A); and

(C) may charge a fee for such certification and use.

(2) Limitation on fee amount. Any fee under paragraph (1)(C) shall not exceed the costs of conducting the quality assurance testing, evaluation, or studies necessary to determine whether the hydrographic product satisfies the standards adopted under section 303(a)(3) [33 USCS § 892a(a)(3)], including the cost of administering such a program.

(c) Limitation on liability. The Government of the United States shall not be liable for any negligence by a person that produces hydrographic products certified under this section.